

REMARKS

Claim 2 is amended herein. Support, is found for example, in the working examples, such as Example 19. No new matter is presented.

I. Response to Claim Rejections under 35 U.S.C. § 103

In paragraph 7 of the Office Action, the Examiner has rejected claims 2-7 under 35 U.S.C. § 103 (a) as allegedly being unpatentable as obvious over Nakada (JP 2001-098145).

In paragraph 8 of the Office Action, the Examiner has rejected claims 2-7 under 35 U.S.C. § 103(a) as allegedly being unpatentable as obvious over Saito (JP 62-187756).

In paragraph 9 of the Office Action, the Examiner has rejected claims 2-7 under 35 U.S.C. § 103(a) as allegedly being unpatentable as obvious over Deyrup et al (U. S. Patent 4,912,167).

Without conceding the merits of the rejections, independent claim 2 is amended herein to recite that the viscosity modifier has a weight average molecular of 22,000 to 400,000.

None of the cited references teaches or suggests this feature of the presently claimed invention. Thus, the cited references, taken alone or in combination, do not render the present invention obvious.

Additionally, the present invention provides unexpectedly superior effects. Namely, a surface gloss of not less than around 86 can be attained by specifying the molecular weight of the viscosity modifier as well as the ratio of (a)/(b). Particularly, when a viscosity modifier having a weight average molecular weight outside of the claimed molecular weight range of 22,000 to 400,000 is employed, such a high degree of gloss cannot be obtained as shown in the Examples of the present application:

Example No.	molecular weight	anti-draw down	surface gloss
1 to 6	around 50,000	30 to 37	around 92
7 to 11	around 150,000	26 to 27	around 95
<u>12 to 16</u>	<u>around 5,500</u>	<u>45 to 170</u>	<u>around 60 to 84</u>
17, 19	around 22,500	37 to 40	around 86
18, 20	around 380,000	22, 23	around 96
21 to 26	around 53,000	28 to 35	around 93
27 to 30	around 52,000	25 to 31	around 93

On the other hand, in Nakada there is no disclosure or suggestion that such a high gloss is attainable by the specified molecular weight as well as the above ratio of (a)/(b).

Additionally, Nakada discloses that if the molecular weight “exceeds 20000, it is in the inclination for the moldability of the constituent of this invention obtained to be inferior.” [0020]. This means that Nakada recognizes “molecular weight over 20000 to be undesirable”, which is completely contradictive to the present invention. That is, Nakada teaches away from the present invention.

Saito and Deyrup fail to remedy the deficiencies of Nakada.

Saito and Deyrup are silent as to the specific ratio of (a)/(b). It has been established that a variable must be recognized as contributing to a specific result before it can be acknowledged as *prima facie* obvious to determine the optimum or workable range of the variable. Thus, the Examiner’s position that “the ratio of (a)/(b) and the specified molecular weight range result-effective variables for viscosity modifier and that they are the optimum or workable ranges by routine experimentation” is not reasonable since none of the cited references recognize the advantageous effects of this element of the invention.

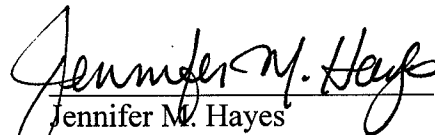
Further, in Saito, a filler and a halogen-containing flame retardant or a Sb compound are the essential ingredients, and in Deyrup, a source of catalytic cations is the essential ingredient. Thus the subject matter of Saito and Deyrup are different from the present invention and one of ordinary skill in the art would not have been motivated to combine the reference with a reasonable expectation of success.

Accordingly, Applicants respectfully request withdrawal of the rejections.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Jennifer M. Hayes
Registration No. 40,641

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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